

REMARKS

Claims 1-39 are pending in this application. Claims 1-39 stand rejected. By this Amendment, claim 1 is being amended to correct for a typographical error. New claims 40-49 have been added. No new matter has been added. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Claim 1 stands rejected due to a typographical error. Applicants have amended claim 1 in view of the Examiner's objection. As such, Applicants respectfully request withdrawal of the objection.

Claims 1-14 and 18-36 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,504,832 ("Koo") in view of U.S. Patent No. 5,491,837 ("Haartsen"). Applicants respectfully request reconsideration and withdrawal of this rejection.

Applicants' pending claims require that priority is determined based on channel quality value or a required transmission quality supplied from a mobile station, for every transmission signal, and a priority is assigned to each of the explicitly recited combined codes.

According to the present invention, a high priority as a code is given to a Walsh code rather than a quasi-orthogonal code. Thus, it is not only that a priority is assigned to a combined code, but determined each time, based on a channel quality value or a transmission quality required amount, which is received from a mobile station for each transmission signal. Therefore, call reception quality or suppression of

deterioration of communication by interference is minimized. One would not modify Koo to achieve the above-recited result.

The Office Action recognizes that Koo fails to teach that the priority of the combined code for each transmission signal is determined based on a channel quality value measured by the mobile station. The Office Action asserts that this is taught in Haartsen. Applicants respectfully disagree. Haartsen discloses that channel allocation is accomplished using periodic measurement performed by one or more base stations and/or by one or more mobile stations to determine the best channel under the current radio environment (col. 5, line 30, et seq.). However, this does not disclose the explicitly recited step of determining priority for the combined code based on channel quality. Further, at column 8, lines 40, et seq., this merely discloses minimizing transmission power. Haartsen discusses choosing a base station to mobile station link based on lower signal interference. Finally, at column 10, lines 27, et seq., Haartsen discloses the base station calculating transmission power for each combination of base station and traffic channel which gives minimum required transmit power. However, this section also fails to disclose determining the priority for the combined code for each signal based on channel quality. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-14 and 18-36 over Koo in view of Haartsen.

Claims 15-17 and 37-39 stand rejected under 35 U.S.C. § 103(a) as being obvious over Koo in view Haartsen and further in view of Kilkki. As discussed above, the combination of Koo and Haartsen fail to disclose Applicants' explicitly claimed invention. The addition of Kilkki fails to cure this deficiency. As such, Applicants respectfully assert that claims 15-17 and 37-39 are allowable over the cited references.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims

Application No.: 09/699,648

Docket No.: M1912.0018

are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: September 22, 2005

Respectfully submitted,

By

Ian R. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO MORIN & OSHINSKY
LLP

1177 Avenue of the Americas
New York, New York 10036-2714
(212) 835-1400
Attorney for Applicant

IRB/mgs